

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTOPHER WOLCOTT

Plaintiff,

-v.-

Civil Action No.  
1:04-cv-1273 (GLS/GJD)

COMMISSIONER OF SOCIAL SECURITY

Defendant.

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APPEARANCES:

**FOR THE PLAINTIFF:**

Office of Peter M. Margolius  
7 Howard Street  
Catskill, New York 12414

**OF COUNSEL:**

PETER M. MARGOLIUS, ESQ.

**FOR THE DEFENDANT:**

GLENN T. SUDDABY  
United States Attorney for the  
Northern District of New York  
100 South Clinton Street  
Syracuse, New York 13261-7198

WILLIAM H. PEASE  
Assistant U.S. Attorney

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter, comes to this court following a Report-Recommendation by Chief Magistrate Judge Gustave J. DiBianco duly filed February 16, 2006. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Chief Magistrate Judge Gustave J. DiBianco filed February 16, 2006 is ACCEPTED in its entirety for the reasons state therein, and it is further

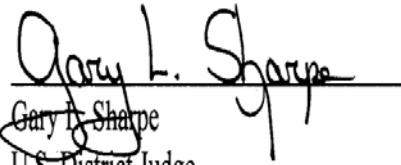
ORDERED, that the clerk of the court is directed to correct the text of docket entry number 12 to reflect the appropriate recommended relief of dismissal indicated in the Report-Recommendation and Order, and it is further

ORDERED, that the decision of the Commissioner is AFFIRMED and the Complaint (Dkt. No. 1) is DISMISSED , and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED

Dated: March 10, 2006  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge